tenet of which was anti-Semitism, in the form of a pledge to eliminate the Jews from every aspect of the national life of Germany. How well he succeeded we need not dwell on here. Ostensibly opposed to him were the Soviets and the German Communists who gave lipservice, as they still do to a whole catalogue of humanitarian ideals, among them, that of complete racial and religious equality. Nevertheless, this apparent ideological antithesis between Nazis and Communists offered no obstacle to the infamous Soviet-Nazi pact of 1939 which, in effect, precipitated the holocaust of World War II on a world still not fully recovered from the sufferings and devastation of World War I.

It was primarily because of its treatment of the Jews that the Nazis came to be regarded as the quintessence of brutality and barbarism. Have we forgotten that for almost 2 years after the signing of the pact, the Soviet Union remained a faithful and devoted ally of Hitler? Do we no longer recall that the breach in the infamous friendship was initiated by the Nazis and not by the Communists?

Some among us here in the Senate Chamber may wonder why I rake up the dying embers of these terrible and tragic events of the not too distant past. My answer is simply this. We must never forget that the extermination of the Jews by Hitler was just one manifestation of the inherent barbarism and savagery that are inherent characteristics of the full-blown totalitarian regimes which seem to flourish in the 20th century like the rankest of weeds in a poorly tended garden.

Too many of us have forgotten that present-day Soviet anti-Semitism is only the most recent of a series of gigantic persecutions by the Communist regime which began with the Bolshevik revolution and have gone on unremittingly ever since. The massacre of the Kronstadt sailors, the liquidation of the Kulaks, the deliberately government-induced starvation of millions of peasants, the elimination of the old academic and professional classes, the purges not only of the Red army but of most of the original Bolshevik leaders themselves, the litany of horror, cruelty, murder, and injustice is too long for me to describe it fully here.

I can recall that shortly before we were at war with Nazi Germany, a book was published that was read by millions of Americans, horrified by Hitler's activities—it was called "You Can't Do Business With Hitler." But today we have forgotten. With no compunctions our Government does business with Khrushchev, "the butcher of the Ukraine," a chief executant of the horrors perpetrated by the Soviets not too many years ago. Why do we not react with the same indignation to this older totalitarianism which has thrust its tentacles into areas and among peoples whose extent and number exceed anything achieved by Hitler at the crest of his power? Why do so many of us believe that Soviet communism is becoming more civilized, more humanitarian, when so many of these same people realized so clearly that Hitler could never be appeased?

I hope that the Senate will approve this amendment—but more importantly I hope that it, even if only to a slight degree, will dispel the deep amnesia which holds so many of our policymakers and opinion formers in its grip. I pray with all my heart that this measure will bring the sudden shock of realization that we are confronted by an implacable enemy devoted to destroying us; that totalitarianism whatever its particular form or manifestation is always essentially and similarly evil; and that to believe in its eventual development into something good and decent and just is not only completely foolhardy but that such an illusion constitutes the gravest of dangers not only for our beloved country but for all civilized mankind.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. JAVITS. Mr. President——

The PRESIDING OFFICER. The Senator from Illinos has the floor.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. DIRKSEN. I yield.

Mr. JAVITS. In respect to the discussion that we have been having about apportionment, the Senator from Minnesota [Mr. MCCARTHY] and I have a "sense of Congress" resolution pending as a substitute for the Dirksen-Mansfield amendment, and I should like to say a word about the present situation.

The Senate cannot remain deadlocked on this issue without great peril to the public interest. We are not living in dream worlds. We know that everyone is seeking to get as much of a poltical position as possible in this situation; and the reason the minority leader chose to attach this amendment to the foreign aid bill is very obviously that he knew that the foreign aid bill had to be passed, and he wanted to be sure that his amendment did not fall by the wayside.

But I think the time probably has come, or is very close, when we must fish or cut bait, and the foreign aid bill must be passed with or without the amendment. We shall now have a 10-day period when the whole country can think it over. It seems to me that the Tuck bill, which is before the Senate, gives us an appropriate vehicle for effecting the will of Congress on this subject.

I would hope that the various parties in interest—the majority and minority leaders, my colleagues, my liberal colleagues on the other side, who have been debating this matter so thoroughly and so very well, the Senator from Minnesota [Mr. MCCARTHY] and myself, and the Senator from South Carolina [Mr. THURMOND]—could arrive at a meeting of the minds, perhaps with the administration, as to expressing the will of both Houses of Congress, whatever it may be, with respect to the Supreme Court's reapportionment decisions, and that it be done on a separate measure.

I join the majority leader in strongly condemning the Tuck bill. I believe the Supreme Court, on the most elementary constitutional determination, would have to strike it down. Certainly as it applies to pending cases, I think it is most mischievous, just as mischievous as was the attempt to pack the Supreme Court, but on another ground, based on the precedent of 100 years ago in the Klein case, because it is an effort to take away the jurisdiction of the Supreme Court.

What is overlooked is that the 14th amendment to the Constitution overrides every State and the will of the people of every State. Perhaps the will of the people of some State might be to have slavery. They may not have it. That is what the Constitution provides. The Supreme Court has upheld it.

There is another way to approach the problem, and that is to have a separate vehicle expressing the will of the Congress as to what it would like to have the Supreme Court do. The way to get it done, in a constitutional way, is to ask the Supreme Court to stay its hand for a sufficient time to allow the people to work their will under the Constitution.

There are three bases which have been discussed in respect to this matter.

The first basis is that enunciated by the Senator from South Carolina [Mr. THURMOND], that is, that the people of the States have complete autonomy in this regard. They do not, under the 14th amendment of the Constitution.

The second point of view is that expressed by my liberal colleagues on the other side, who feel that nothing whatever should be done, but that the Supreme Court decision of one man—one vote should be carried out within each State according to that constitutional principle and that both houses of each State legislature should be organized on the basis of one man—one vote.

The third position, which is too little discussed in this situation—and I believe it represents the preponderant view of the people of the United States—is that they cannot understand why in each State they cannot make the same decision that the people of the United States made when our Constitution was established, and have one house of their State legislature, if they wish it—and I emphasize, if they wish it—on a basis other than population.

That opportunity can be afforded by an amendment to the U.S. Constitution. It would not "freeze in" malapportioned legislatures, as has been asserted, because it would not be up to each State legislature, but it would be up to the people of each State, to determine whether they want one house apportioned on a basis other than population.

It seems to me that this is the end result that meets the current consensus of the people of the United States. That procedure is available to us, and we have a separate bill from the other body which could be amended so that that could be carried into effect in a perfectly legal and constitutional way.

I hope that in the 10-day period all the parties in interest may get together for the purpose of arriving at such a decision, and that the machinery of the United States, which is not now functioning, by virtue of the fact that we are deadlocked in this Chamber, may again be permitted to function, and that Congress may adjourn sine die by the middle of September.

Mr. AIKEN. Mr. President, I agree with the majority leader that we should not take up the Tuck bill at this time, and probably not at any time during this session of Congress.

I also believe that the substitute amendment offered by the Senator from New York [Mr. JAVITS] and the Senator from Minnesota [Mr. MCCARTHY] would not be at all effective.

I have been noticing, while this filibuster has been in progress, that the filibuster has been carried on by Senators from Philadelphia, Detroit, Chicago, and political suburbs——

Mr. DOUGLAS. Mr. President, I note what the Senator from Putney has just said, but I point out that just as he is the Senator from Vermont, we are also Senators from our entire States, not from portions of our States.

Mr. AIKEN. Mr. President, I did not yield for a speech. I have only 3 minutes.

As I say, the filibuster has been carried on by Senators from Philadelphia, Detroit, Chicago, and political suburbs.

I think the filibusterers are trying to prevent the people of the United States from ever voting on what kind of legislatures they want. The reason for that may be that they learned their lesson in Colorado, where the question of reapportionment was submitted to the people in a statewide referendum, and every county in the State of Colorado, including Denver, voted in favor of the reapportionment plan which was thrown out by the Court.

I realize that the rest of us are probably very amateurish compared with the political organizations of Philadelphia, Chicago, and Detroit, were the political machinery has been perfected practically to the push-button stage; but I do not think that type of political machinery is best for this country.

I would like to see every State submit a constitutional amendment which would provide for two houses of the State legislatures based on other than a strict population basis to a statewide referendum. I know other countries made it to the position where the people had little to say about their government, but I do not want the United States to make it. I do not want a coalition of 3 or 4 political machines running this country.

I do not believe those who are opposing the Mansfield-Dirksen amendment would ever in the world agree to let the people of each State, in referendum, vote on a constitutional amendment relating to the apportionment of State legislatures.

I think my 3 minutes are about used up. I could continue along the same lines, but I think I can say enough in 3 minutes. Why should we not trust the people? Why should anyone try to thwart the people of the United States, in spite of the protestations—Philadelphia, Detroit, Chicago, and political suburbs?

GROWING NATIONWIDE OPPOSITION TO DIRKSEN ANTIAPPORTIONMENT RIDER

Mr. DOUGLAS. Mr. President, I am quite amused by the statement that we are conducting a filibuster, because we have been permitted only a few hours in which to debate the Dirksen antireapportionment rider since it was proposed last week. The proponents of this measure have not taken more than an hour to explain their position. We, in opposition, have been willing to allow the business of the Senate to go forward. When we could obtain time to speak, we have presented detailed evidence on the malapportionment of State legislatures, and we intend to present more. It is striking, in spite of the fact that we have had only a very slight opportunity to present our case, how rapidly the opposition to the Dirksen rider is sweeping across the country.

Two facts are coming to be understood. First, that the acknowledged purpose of the Dirksen rider is to freeze court-ordered fair apportionment of the State legislatures for an indefinite period so that a constitutional amendment permanently freezing unfair apportionment can be rushed through by the present unfairly apportioned legislatures. Second, that the proponents' charge that a moratorium is necessary to avoid chaos throughout the States is utterly false, unless chaos means simply that rotten borough politicians will lose their seats.

One indication of the broadly based opposition to the Dirksen "rotten borough" amendment is the number and source of the telegrams I received in the last 48 hours from fair apportionment leaders across the country. These telegrams came to me because these leaders had heard of the informal hearing on this matter which I attended last night in Silver Spring, Md. I shall discuss this heaing at another time today, Mr. President, but I now ask unanimous consent to have printed in the RECORD the telegrams which have come to me. I call attention to the fact that one of the telegrams is from the mayor of Cleveland and other telegrams are from various union leaders, from attorneys who have acted in apportionment cases, and from others.

I also ask unanimous consent to have printed in the RECORD an editorial published in this morning's Washington Post and an editorial published in this morning's New York Times; as well as letters to the editor of the New York Times and the Chicago Sun-Times. In addition, I ask unanimous consent to have printed in the RECORD an editorial from that great newspaper, the St. Petersburg Times.

I ask that this material may be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOUGLAS. Mr. President, public opinion is rising across the country, and the desperation of the proponents of the Dirksen rider is indicated by the comments which were made this morning.

Mr. President, the 3-minute rule has been more honored in the breach this morning than in its observance, and I ask unanimous consent that I may be permitted to continue for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. Some of the points made by the Senator from South Carolina have been well answered by the Senator from Wisconsin, who has pointed out that it will not be the people who will ratify the constitutional amendment, but the present malapportioned State legislatures, which, for decade after decade, have not acted and have only been stimulated into action by the recent decisions of the Supreme Court.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. Is it not true that in the Gallup poll, which recently asked a question on this subject, which contained no bias in it, and which was certainly a very scientific question—and the Gallup poll is a very respected poll among universities which specialize in public opinion analysis—the people who voted in that poll voted 3 to 2 in favor of population reapportionment for both the house and the senate of the State legislatures? The word "senate" was actually used in the question.

Mr. DOUGLAS. The Senator is correct.

Mr. PROXMIRE. It seems to me that on the basis of our experience, as this issue is presented to the people, it is clear that if the people had a chance—not the State legislatures, but the people themselves—there is no question that they would vote overwhelmingly for population reapportionment, with one man, one vote; but, as the Senator points out they would not have that chance, and State legislatures would reject that proposal.

Mr. DOUGLAS. I thank the Senator. If we can continue our efforts to alert the people to the effect of these proposals, the vote disclosed by the public opinion polls will not be 3 to 2, but will become 2 to 1, and eventually 3 to 1.

The point made by my colleague from Illinois [Mr. DIRKSEN] and by the Senator from South Carolina on the question of constitutionality, it seems to me, does not look beyond the 10th amendment to the Constitution. There are 24 amendments to the Constitution, and all except the one repealed are in effect.

The crucial amendment is the 14th amendment, adopted after the Civil War. The last phrase of the first section of that amendment provides that no State shall deprive any person of the equal protection of the laws.

The Supreme Court properly has said that the people cannot be assured of the equal protection of the laws if they have grossly unequal representation in the State legislature; and that to guarantee the equal protection of the laws requires a substantially equal representation in both houses of the State legislature.

There is no analogy between the composition of the U.S. Senate and the composition of a State senate. The big States were forced to grant equality of representation in the U.S. Senate to the small States because some of them threatened that they would not join the Union unless they received this concession. That action was taken at the point of a pistol, and the States created the Federal Government.

Counties, townships, towns, and cities, however, did not create the States. They are creatures of the State. They are not and were not sovereign. There is no necessity for similar treatment within the States.

If a small proportion of the population can control one house of the legislature, it can control the entire legis-

lature through its exercise of threat of the veto. There is no doubt about it.

Mr. President, let me emphasize again that I think this is the most important measure which has been before this body in many years. I hope it will be very thoroughly discussed. We intend to stick to the facts and to present the evidence on the malapportionment of State legislatures and the constitutional basis for the Court's action. We will expose the bugaboo allegations that chaos will be created by the decision of the Supreme Court.

EXHIBIT 1

CLEVELAND, OHIO,
August 20, 1964.

Senator PAUL DOUGLAS,
U.S. Congress,
Silver Spring, Md.

The Dirksen rider is an affront to constitutional government and legislative usurpation of authority under the separation of powers of government. In Ohio the rationale of the proposed moratorium on legislative apportionment is without foundation because the constitution of Ohio already provides a workable formula once the Hanna amendment is stricken out.

RALPH S. LOCHER,
Mayor of Cleveland.

SILVER SPRING, MD.,
August 20, 1964.

Senator PAUL DOUGLAS,
Senate Office Building,
Washington, D.C.:

The concept of equality of suffrage or "one man—one vote," is an indispensable ingredient for a responsive, responsible, and representative State government. As a consequence of the Supreme Court's historic ruling, the States of the Union, and specifically Maryland, at last have a real opportunity to assume the responsibility of government denied to them under the inequities of malapportionment.

The failure of the States to act on local problems can be traced in large part to unfair representation in the legislative chambers of the States. Now, the inequality has been rectified and it is hopeful that the initiative to resolve local problems at the local level once again will be restored to the States.

It would be disastrous, it seems to me, to reinstate inequality at this time or freeze it forever in the Constitution of the United States by the adoption of any of the proposals recently proposed by Senator DIRKSEN and Congressman TUCK.

JOSEPH D. TYDINGS,
Democratic Nominee for the U.S. Senate.

CHICAGO, ILL.,
August 15, 1964.

Senator PAUL DOUGLAS,
Senate Office Building,
Washington, D.C.:

I.V.I. regretfully urges defeat of foreign aid bill if Dirksen proposal is attached to it. We have long supported foreign aid program and hope this bill passes but matter of fair reapportionment of overriding importance and DIRKSEN's unconstitutional gambit must be defeated.

GEORGE G. KAUFMAN,
Vice Chairman, Legislation, Independent Voters of Illinois.

CHICAGO, ILL.,
August 19, 1964.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.:

As attorneys for the plaintiffs in the Illinois apportionment case, *Gemano et al.* v. *Kerner et al.*, we wish to refute the charges of Senator DIRKSEN that the decision of the Supreme Court of the United States has brought chaos to Illinois. Although the Supreme Court's decision was rendered on June 22, no further action has been taken by the U.S. District Court and no hearings have been scheduled as of this date. Preparation is being made for the election of State representatives and State senators in November in accordance with the 1954 constitutional amendment.

The district court has given no indication that it will forestall such elections or will treat this action any differently than any other judicial proceedings. Accordingly there is no chaos, confusion, or panic in Illinois and no likelihood of same.

Under seperate cover Joseph Germano, the principal litigant in the Illinois case, is forwarding a more complete refutation of some of the charges which are being widely circulated in Illinois.

BERNARD KLEIMAN.
LESTER ASHER.

ALEXANDRIA, VA.,
August 17, 1964.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.:

Congratulations on your brave stand for fair representation. You have our thanks and gratitude.

EDWIN LYNCH,
J. FULLER GROOM,
Cochairmen, Virginia Committee for Fair Representation.

YOUNGSTOWN, OHIO,
August 19, 1964.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.:

Reapportionment of Ohio State Senate and House are badly needed to be truly representative of the people. The same situation prevails in neighboring States. Urge upon you to work and vote against any proposed legislation that would delay or compromise immediate application of recent Supreme Court decision.

FRANK L. TRAINOR,
Subdistrict Director, United Steelworkers of America.

NEW YORK, N.Y.,
August 19, 1964.

ROYCE HANSON,
President, Maryland Committee for Fair Representation.

New York's apportionment situation neither chaotic nor confused and will not become so unless Congress creates confusion court order, permits November 1964 elections to proceed undisturbed and gives legislature until April 1965 to reapportion legislators elected in 1964 will serve for 1 year instead of usual 2-year term. While this is a hardship for candidates it would be a far greater hardship for the people of New York to be represented by an unconstitutionally constituted legislature for an additional year. Strongly oppose Dirksen rider and deny that New York ruling in any way justifies intrusion by Congress into matters properly left to the courts in each State.

LEONARD B. SAND.

MIAMI, FLA.,
August 20, 1964.

Senator PAUL DOUGLAS,
Senate Office Building,
Washington, D.C.:

First apportionment suit filed in Florida in 1958. We still don't have fair apportionment. Bill to delay apportionment for additional 2 years would create chaos and havoc in Florida. Voters of Florida are strongly opposed to any delay in reapportionment.

RICHARD H. M. SWANN, Esq.

ST. LOUIS, MO.,
August 21, 1964.

PAUL H. DOUGLAS,
Washington, D.C.:

The Communications Workers of America, AFL–CIO will appreciate your opposing any bill having an adverse effect of Supreme Court's ruling or right to rule on reapportionment of State legislatures.

JOHN WALSH,
Legislative Director, District 6.

CHICAGO, ILL.,
August 19, 1964.

PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.:

On behalf of the 500,000 members of the Chicago Federation of Labor & Industrial Union Council we urge you to oppose current proposals to upset recent decisions of the U.S. Supreme Court which ruled out inequitable apportionment of State legislatures. Congress should uphold the AFL–CIO position on this issue which declares that Congress should "reject all efforts to dilute the true processes of democracy in this country and stand firm for the principle of one man, one vote."

WILLIAM A. LEE,
Chicago Federation of Labor & Industrial Union Council.

WINNIPEG, MANITOBA,
August 19, 1964.

Senator PAUL DOUGLAS,
Senate Office Building,
Washington, D.C.:

As chief counsel for plaintiffs in Iowa reapportionment case representing thousands of Iowans long denied proper representation, I strongly urge defeat of the Dirksen amendment. We are proceeding in an orderly manner toward fair representation and the Dirksen amendment would only create chaos and uncertainty in Iowa and cause our malapportioned senate to drag its heels in the hope it could thwart the will of the majority and perpetuate itself. Since the legislature controls constitutional amendments of the State constitution, the courts are the only avenues of relief for underrepresented Iowans.

HARRY H. SMITH.

CLEVELAND, OHIO,
August 19, 1964.

Hon. PAUL H. DOUGLAS,
Old Senate Office Building,
Washington, D.C.

The Dirksen amendment will deprive 6 million Ohio residents of their franchise There is no valid reason to delay reapportionment in Ohio. We have no need for a new or different apportionment formula in Ohio. The constitution of the State of Ohio provides a ready-made formula for proper apportionment of legislative representatives which can now be exercised since the Hanna amendment has been declared unconstitutional. There is no hope for our State that the rural dominated legislature will ever provide an equitable apportionment formula if the Dirksen amendment if allowed to pass. Your interest and concern in this matter is great appreciated.

FLOYD E. SMITH,
General Vice President, International Association of Machinists, AFL–CIO.

CLEVELAND, OHIO,
August 19, 1964.

Sentaor PAUL DOUGLAS,
Senate Office Building,
Washington, D.C.

The Women's City Club of Cleveland with a membership of 1,100 has long been concerned about the lack of representation from urban counties in the Ohio general as-

sembly and has urged reapportionment of our legislature. We shall watch with interest the results of your hearing on the Dirksen's rider to the foreign aid bill.

MRS. DOROTHY TEARE,
President.

YOUNGSTOWN, OHIO,
August 19, 1964.

Senator PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.

Membership of Local Union 1617 urge you to use your influence and vote against any legislation that is proposed to delay or compromise the reapportionment decision of the Supreme Court.

ANGELO A. MOSCO,
President.

CRYSTAL LAKE, ILL.,
August 18, 1964.

Senator DOUGLAS,
Washington, D.C.

DEAR SIR: As of local 5004 Communications Workers of America membership, 400 people, I strongly urge opposition to any bill having adverse effect on Supreme Court ruling or right to rule on reapportionment of State legislature.

Respectfully,
ANNA M. NAUGHTON,
President.

KANKAKEE, ILL.,
August 20, 1964.

Senator PAUL DOUGLAS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Please urge the Senate in its wise understanding of the American Government to reject all efforts to diminish or dispute the true process of democracy in this country and to stand firm for the principal of one man, one vote.

LAYTON E. MODDEN,
President, IUM Local Lodge 2059.

DAYTON, OHIO,
August 18, 1964.

Senator PAUL DOUGLAS,
Senate Office Building,
Washington, D.C.:

The Dayton-Miami Valley AFL–CIO) urges you to support labor in protesting the Dirksen amendment on reapportionment delay. It means conservation and reactionary forces will continue to block progressive forces in Ohio Legislature. Thank you for your consideration.

CONRAD GRIMES,
Secretary, Dayton-Miami Valley AFL–CIO.

CLEVELAND, OHIO,
August 21, 1964.

Hon. PAUL H. DOUGLAS,
Old Senate Office Building,
Washington, D.C.:

The Dirksen amendment will deprive six million Ohio residents of their franchise. There is no valid reason to delay reapportionment in Ohio. We have no need for a new or different apportionment formula in Ohio. The constitution of the State of Ohio provides a readymade formula for proper apportionment of legislative representatives which can now be exercised since the Hanna amendment has been declared unconstitutional. There is no hope for our State that the rural dominated legislature will ever provide an equitable apportionment formula if the Dirksen amendment is allowed to pass. Your interest and concern in this matter is greatly appreciated.

FLOYD E. SMITH,
General Vice President, International Association of Machinists, AFL–CIO.

EAST CHICAGO, IND.,
August 15, 1964.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.:

As one who has long been concerned about apportionment of State legislatures, and as a successful litigant in the Supreme Court of the United States in the Illinois case, I urge you to do everything possible to keep Congress from nullifying the Supreme Court decision on reapportionment on a population basis. As a leader of the Steelworkers Union, and with the support of organized labor in spearheading the fight to secure representative government in our State legislatures, I urge you to speak, vote, and assert your full influence in opposition to the attempts to nullify the Supreme Court decision.

JOSEPH GERMANO,
Director, District 31, United Steel Workers of America.

CHICAGO, ILL.,
August 15, 1964.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.:

The Illinois State Federation of Labor and Congress of Industrial Organizations have been and are for reapportionment in the State of Illinois based upon the recent U.S. Supreme Court decision. As you probably know, we were party to the Germano suit. Any delay that thwarts the meaning of proper representation for every citizen in Illinois would appear to us to be contrary to full equity for every voter, no matter where he resides in Illinois. Under the guise of preventing hasty action by the States, certainly there should be no hasty action by the U.S. Senate.

STANLEY JOHNSON,
Executive Vice President, Illinois State Federation of Labor and Congress of Industrial Organizations.

COLUMBUS, OHIO,
August 15, 1964.

Senator PAUL DOUGLAS,
Senate Office Building,
Washington, D.C.:

We urge you to defeat all efforts being made to delay effectiveness of decision of the Supreme Court requiring fair representation in State legislatures. This is most serious problem for our members.

JESSE NICELY,
President, Local Union 2074, USWA.

COLUMBUS, OHIO,
August 15, 1964.

Senator PAUL DOUGLAS,
Senate Office Building,
Washington, D.C.:

We urge you to defeat all efforts being made to delay effectiveness of decision of the Supreme Court requiring fair representation in State legislatures. This is most serious problem for our members.

JACK LANDIS,
President, Local Union 3970, UWA.

WASHINGTON, D.C.,
August 13, 1964.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.:

Pending proposal to stay court orders affecting reapportionment of State legislatures is derogatory of U.S. Constitution which provides for separation of powers between branches of Federal Government. It is unthinkable that the Congress should deem a suspension of constitutional rights to be in the public interest, as this amendment specifically states. The Senate is considering this revolutionary proposal without any hearings whatsoever. The most elementary considerations of due process require that interested citizens be granted an opportunity to present their views to the appropriate committee. AFL–CIO executive council is unanimously on record opposing any legislative interference with the judicial branch. Therefore I strongly urge you to vote against any such proposal and to exert every effort to assure adequate hearings on this highly important question.

ANDREW J. BIEMILLER,
Director, Department of Legislation, AFL–CIO.

COLUMBUS, OHIO,
August 15, 1964.

Senator PAUL DOUGLAS,
Senate Office Building,
Washington, D.C.:

We urge you to defeat all efforts being made to delay effectiveness of decision of the Supreme Court requiring fair representation in State legislatures. This is most serious problem for our members.

VERLIN SPARKS,
President, Local Union 2342, USWA.

COLUMBUS, OHIO,
August 15, 1964.

Senator PAUL DOUGLAS,
Senate Office Building,
Washington, D.C.:

We urge you to defeat all efforts being made to delay effectiveness of decision of the Supreme Court requiring fair representation in State legislatures. This is most serious problem for our members.

RICHARD KOST,
President, Local Union 2173, USWA.

COLUMBUS, OHIO,
August 15, 1964.

Senator PAUL DOUGLAS,
Senate Office Building,
Washington, D.C.:

We urge you to defeat all efforts being made to delay effectiveness of decision of the Supreme Court requiring fair representation in State legislatures. This is most serious problem for our members.

GERALD BROWN,
President, Local Union 3194, USWA.

YOUNGSTOWN, OHIO,
August 13, 1964.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.:

The officers and members of United Steelworkers of America in Mahoning, Trumbull, Ashtabula, and Columbiana Counties, Ohio are heartily in accord with recent decision of U.S. Supreme Court relative to composition of State legislatures on basis of one man, one vote. In Ohio neither State senate or house are truly representative of the people. Our apportionment is a relic of horse and buggy days. The same situation is experienced by citizens of neighboring States. We urge that you work against and vote against any proposed legislation which would delay or compromise effective and realistic reapportionment under terms of the Court ruling.

JAMES P. GRIFFIN,
Director, District 26, United Steelworkers.

WASHINGTON, D.C.,
August 13, 1964.

Hon. PAUL DOUGLAS,
Senate Office Building,
Washington, D.C.:

We urge you to vote against new "compromise" proposal for holding up reapportionment of State legislatures. Produced without hearing in secret conferences unrepresentative of any broad range of Senate

views, it still amounts to congressional interference with judicial process. The whole matter deserves a great deal more consideration than it can be given this late in the session. We urge you not to be stampeded into acting hastily.

WALTER P. REUTHER,
President, Industrial Union Department, AFL–CIO.

[From the Washington Post, August 21, 1964]

SAMSON IN THE TEMPLE

The vote of the House approving Representative TUCK's court-ripper bill was not a rational action. It was an outburst of rage against the Supreme Court. The debate left no doubt about what was happening. Though much of the resentment against the Court is related to its decision that both houses of the State legislatures must be apportioned on a population basis, there was also a hangover of bitterness over the Court's civil rights decisions and various others. The Rules Committee gave the House an opportunity to let off steam, and a majority of conservative Republicans and Democrats made the most of it.

This kind of response to a grave national problem is essentially immature. The House is saying in effect that if the Supreme Court hands down decisions which it does not like, it will close all the courts to that line of cases, so that citizens cannot obtain justice any more. In a similar fit of passion, Samson pulled the temple down upon himself.

Many of those who voted for the Tuck bill will salve their consciences by saying that it has no chance of becoming law anyway. No doubt they are right so far as the fate of the measure is concerned. It can never be passed in the Senate, and if by some fluke it should be, President Johnson would certainly veto it. If by some strange combination of circumstances it should become law, the courts would almost certainly find it unconstitutional.

It is true that the Constitution gives Congress authority to limit the appellate jurisdiction of the Supreme Court and that it has wide powers to determine the jurisdiction of the lower courts. But the Tuck bill would close the doors of all Federal courts to cases involving a certain category of constitutional rights. That would be such a gross denial of due process that it is doubtful whether any court would uphold it. Indeed, if Congress could thwart the enforcement of law by this method, it could destroy the Bill of Rights by a simple legislative act.

If the House bill were to become a precedent, therefore, it would be one of the most dangerous bills ever enacted in our entire history. It would subvert the system of justice and critically distort our form of government, with its division of power into executive, legislative, and judicial branches. But we do not think that the reckless Congressmen who voted for the bill had any such intention. They saw an opportunity to paddle the Court and closed their minds to the long-range implications of what they were doing.

The only hopeful aspect of the situation is that the wrath of the Senate and House has run into very different channels. The House emphatically rejected the idea of merely delaying action in apportionment cases, as proposed by Senator DIRKSEN in the Senate. The ideal solution would be to let the Tuck bill die in the Senate and the Dirksen "rider"—he is trying to attach it to the foreign aid bill—in the House. If the Senate approves the rider as part of the foreign aid bill, it may even be necessary to let the entire measure die in favor of a continuing resolution that would permit the foreign aid program to carry on as is for the remainder of the fiscal year.

With the slate cleared of both these dangerous expedients, the next Congress could decide the question of a constitutional amendment on apportionment on its own merits. The courts themselves could deal with an emergency that might arise in the meantime—also on the merits. The inexcusable course for either House would be to strike out blindly because of anger over what the Supreme Court has done. Whatever the ultimate conclusion of Congress and the country on constitutionally changing legislature apportionment, the remedy cannot possibly lie in tearing down the system of justice.

[From the New York Times, Aug. 21, 1964]

HOBBLING THE COURTS

Any expectation that the House of Representatives might deal constructively with the problems raised by the Supreme Court's redistricting decision has been erased by its reckless approval of a bill stripping Federal judges of all authority to rule on compaints that State legislatures are apportioned unconstitutionally.

The vote was doubly unfortunate because this blanket restraint on the judiciary's right to protect voters against unfairness in representation was itself an expression of precisely the kind of legislative irresponsibility that convinced the Supreme Court equity would never be restored if corrective action was left to the normal political processes of the States.

Even though revised Senate proposal for forcing a delay in court reapportionment orders is a good deal less destructive than the House measure, the whole muddled course of the discussion on Capitol Hill makes it increasingly apparent that the subject is too involved for frenized political decision at the end of a session. If the real purpose of the Court's critics is to guard against overhasty implementation of the "one man, one vote" ruling and to give Congress an opportunity to consider the desirability of a constitutional amendment on reapportionment, there is good reason to believe that every Federal judge from Maine to Hawaii already has got the message: Go slow.

Indeed, the Supreme Court itself in the Texas congressional districting case last winter cautioned a lower court to be wary of disrupting the political process. No evidence has yet presented itself that the voters are clamoring for a swift legislative curb on the courts; on the contrary, one national poll shows a substantial majority backing the High Court's decision. The proper course now would be to table the proposed Senate rider and let the obnoxious House bill die stillborn.

Making foreign aid a prisoner of congressional rancor against the Court is inexcusable on any basis. So is any move that would establish a precedent for depriving the judiciary of its power to protect basic constitutional freedoms.

President Johnson, who stood aloof from the whole issue thus far, could make a contribution to sane procedure by lending his influence to a postponement of the whole problem until next year. A President who has shown so much past awareness of the need guarding the courts against arbitrary leglislative assault ought not stay silent now.

[From the New York Times, Aug. 21, 1964]

APPORTIONMENT BATTLE—STRUGGLE FOR POWER SEEN RATHER THAN FOR PRINCIPLE

To the EDITOR: One of the truly great battles of the century has been taking place on the floor of Congress during the past 2 weeks. It is destined to be continued after Congress resumes, following the Democratic National Convention. Unfortunately, the majority of the American people seem unaware of what is happening, although the Times is certainly to be commended for having fully reported the developments.

Senator EVERETT DIRKSEN, of Illinois (Republican) and Representative WILLIAM TUCK, of Virginia (Democrat) have launched a massive attack upon the U.S. Supreme Court's decision on legislative apportionment. Both gentlemen claim that they want "the people" to have a chance to nullify the Court's opinion, but to what "people" do they intend to give this opportunity? The State legislators.

CONTROL OF STATE BODIES

In response to a challenge on this ground, Senator DIRKSEN has said: "What is closer to the people than the legislatures?" What, indeed, when the Republican Party wins a majority of the votes for the State legislature in Washington State, yet does not control that body; when the Democrats have for years won the majority of the votes in Connecticut, yet have never controlled the lower house in that State? They once polled 77 percent of the vote, but the Republicans retained a comfortable majority in the Connecticut House of Representatives. In California 11 percent of the population elects control of the State senate; in Vermont 12 percent of the population elects control of the lower house; in Nevada 8 percent elects control of the senate; and so it goes in State after State after State.

Senator DIRKSEN and Mr. TUCK are putting the right to hold office above the right to representation. It is a shameless power grab. If these gentlemen want the people to decide the issue, then let the people decide. Don't leave resolution of this issue in the hands of rigged, outrageously malapportioned State legislatures, totally unrepresentative of the people and so out of step with the public sentiment that they have fallen to a level of disrepute throughout the country.

Is this a fight for States rights or is it a fight for the peculiar prerogative of the State legislators? Is this a fight for principle or is it a fight for political power?

LINDA WOLLERTON.
CRESSKILL, N.J., *August 19, 1964.*

[From the Chicago Sun-Times, Aug. 11, 1964]

ON DIRKSEN PROPOSAL

Those citizens of Illinois who take exception to the Supreme Court order to reapportion State legislative districts on a "one man one vote" basis have little to support their position in tradition, in law, or in morality.

Article II of the Northwest Ordinance of 1787 provided that: "The inhabitants of the said territory shall always be entitled to the benefits * * * of a proportionate representation of the people in the legislature."

The three Illinois consitutions of 1818, 1848, and 1870 all recognized this stipulation by providing that both houses of the General Assembly should be apportioned on the basis of population. Beginning in 1911, however the General Assembly failed to honor the 1870 constitutional provision providing for reapportionment every 10 years because it meant a loss of seats for the rural areas. Finally, in 1953, largely in response to public indignation over the power the existing malapportionment gave to the West Side bloc, the General Assembly did provide for a referendum on a reapportionment amendment, but exacted the unprecedented condition that 34 of 58 senatorial districts permanently be given to the counties other than Cook.

Many of the persons who supported the reapportionment amendment in 1954 did so only because the then controlling case of *Colgrove* v. *Green* seemingly precluded any fairer solution.

The Supreme Court of the United States has finally brought equity to the situation. Senator DIRKSEN has responded by proposing legislation that would delay prompt implementation of the Supreme Court decision. A most critical aspect of the Dirksen proposal relates to the proposed amendment to the U.S. Constitution which would permit one house of a State legislature to be districted on factors other than population. If such an amendment should be approved by the Congress, and the Dirksen delaying legislation also passes, the U.S. constitutional amendment would be subject to ratification by State legislatures districted under discredited irrelevant factors.

About all that can be said for the Senator's announced intention of attaching his proposal as a rider to the foreign aid bill is that it is consistent with the tactics that have been employed in this cause for over half a century.

RICHARD J. NELSON.

[From the St. Petersburg Times, Aug. 18, 1964]

A MEANINGFUL PLATFORM

Laudable as the goal is, as Congressional Quarterly has pointed out, it will be difficult, if not impossible for Democratic platform drafters to stick to President Johnson's desired limit of 2,500 words.

With the two presidential candidates offering such a contrast, we have an idea that the electorate will pay more than ordinary attention to the two party platforms this year.

For more reasons than one, many voters are going to do a great deal of soul searching between now and November 3. Not only will the speeches of the candidates be carefully analyzed, but the official party positions as spelled out in the platforms are going to be dissected, digested, and debated at length.

Civil rights and foreign policy so far have been in the center of the spotlight. Close behind are the Government's fiscal and economic policies, and the issue of "big government," which the Republicans apparently feel they can reduce in size and multiplicity of functions.

In the past few weeks, however, another major bone of contention has been introduced. This the attempt, led by Republican Senate Minority Leader EVERETT MCKINLEY DIRKSEN, to undo the Supreme Court's legislative reapportionment decisions.

This is a bald-faced attempt to give the "Pork Chop Gangs" of the Nation's 50 States an extension of the undemocratic dictatorship they have so long held in State legislatures all over the country.

Democratic platform writers should hit this and hit it hard. Properly handled, such a plank could contain three potent charges of political dynamite:

It is an attempt to deprive the majority of citizens of their most basic rights under representative government—equality in the lawmaking process.

It is a backdoor method of "packing the Supreme Court," a tactic rejected by Congress and the people in 1937.

DIRKSEN's hitching of his amendment onto the foreign aid appropriations bill, and attempting to ramrod it through the closing days of Congress without thoughtful and deliberate consideration, is a contemptuous affront to the great majority of the American people who will benefit by equitable reapportionment.

With high courage the Democratic Party faced up to the challenge of guaranteeing civil rights to a minority of the Nation's citizens. It would be ironic and tragic if the party failed to take an equally firm and statesmanlike position on behalf of the majority of all citizens of all races in every State.

Let the platform be as brief as possible. But, first of all, let it be meaningful and forthright and complete.

FORT BENTON ADMIRAL, U. S. GRANT SHARP, JR.

Mr. MANSFIELD. Mr. President, on several occasions, I have spoken with great pride about Montana's admirals and the unusual circumstance whereby many of them come from one of our fine communities, Fort Benton, which has a population of roughly 2,000.

Just recently, one of the admirals from Fort Benton has again come into the headlines. I refer to U. S. Grant Sharp, Jr., commander of all U.S. forces in the Pacific.

The current situation in southeast Asia has placed Admiral Sharp in a very difficult and complex situation. I am very confident that Admiral Sharp's long experience and demonstrated ability will hold him in good stead in this situation.

The August 12, 1964, issue of the Great Falls Tribune contains a fine editorial tribute, and I ask that it be printed at the conclusion of my remarks in the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FORT BENTON ADMIRAL, U. S. GRANT SHARP, JR., DIRECTS AMERICAN FORCES IN THE PACIFIC

When tension over North Vietnamese torpedo boat attacks on American destroyers held the world's interest last week, an intelligent and calm Montanan controlled our military forces that gave the Nation's "reply" to the unprovoked attacks.

Adm. Ulysses S. Grant Sharp, Jr., commander of all U.S. forces in the Pacific, directed the Navy to carry out President Johnson's orders for limited retaliation on North Vietnamese patrol boats and their bases.

Admiral Sharp, a native of Chinook, went to the U.S. Naval Academy at Annapolis after graduating from high school at Fort Benton in 1923.

Fort Benton friends have great confidence in Admiral Sharp because they know how levelheaded and intelligent he is. He was always a studious person who impressed those who knew him. Fort Benton friends are especially proud of the admiral because he calls Fort Benton his home and has visited it many times during his naval career. Some of his boyhood friends call him "Ole" and others call him "Grant" but all agree that he is a wonderful person with outstanding ability.

Fort Benton can be proud also of its other three admirals—George C. Towner, Louis Dent Sharp, and John H. Hoover.

The historic town of Fort Benton, made famous for its Missouri River traffic from St. Louis to Montana, can take a proud bow for furnishing such fine leadership talent to the Navy.

JOHN TATSEY—MONTANA NEWS REPORTER

Mr. MANSFIELD. Mr. President, this has been a long and hardworking session of the 88th Congress. While the session is not completed, the end is in sight. I think it is now time for some relief from the heavy and detailed issues that confront Members of Congress in their day-to-day chores.

I have often spoken of Montana's colorful news reporter, John Tatsey. John injects a good deal of humor, as well as insight, into his reporting of news from the Blackfeet Indian Reservation in western Montana.

While John Tatsey was just elected as a member of the Tribal Council of the Blackfeet Indian Reservation, he still finds time to write his weekly column in several local weekly newspapers.

Mr. President, I ask unanimous consent to have a series of John Tatsey's weekly news columns printed at the conclusion of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Hungry Horse News, Aug. 7, 1964]

ASKS RED CROSS FOR LIVE WIFE

(By John Tatsey)

HEART BUTTE.—When the Red Cross people were out checking with the folks that were hit by the flood they come to William Wells home and saw where his Little Black Shanty floated with everything gone so they told him they would give him some thing in place of what was lost. Then he told that one thing he would sure like to get replaced was his wife that floated down with the shack. The Red Cross lady asked in surprise if she really did drowned. William did not know because he had a ghost wife but would like a live one.

Things have quieted down a lot since harvesting and haying started. People out on hay jobs off the reservation and whats at home are doing there own haying.

Nothing going on Sunday. No stick games just lay around or go fishing. catch enough for Sunday supper.

The Tribal Council has been meeting since the 7th day of July and its getting on the nerves of the people but its impossible to have things lined up for the next two years there are so many things to do and change to try to cut and do something that would benefit the tribe.

Don't spoil the new council as they are all working hard for a better tribal government.

The reporter from Heart Butte was elected to the Police Commission and visited the jail and found a big change in its operation. The place is clean and prisoners eat a decent meal good as a private home. It is operated by men that have a respect for human beings. Co-operation is all it takes.

Up along Big Badger there were a couple young men made the mistake of telling the stories around the reporter. Micky come home one morning around 3:00 a.m. and asked his mother if she had a dollar that he could have. he told her that he had to take Margaret to the hospital for her shot. Too early.

[From the Hungry Horse News, Aug. 20, 1964]

COMES AT NIGHT HAS PROBLEMS

(By John Tatsey)

HEART BUTTE.—One night George Comes at Night went to bed and about midnight his wife woke him up and told him that a car was coming with a bunch of drunks in it so he jumped in the dark and grabed his Pants and stuck both legs in one Pants leg and he could not get up. Knock on the door but he sat still.

Alfred B. Trombley of Browning was telling Joe Running Crane his dream and said he was hunting in the Mountains when he seen a big grizzley bear, he climb a tall tree and the bear started to shake the tree but not hard enough so the bear went back in the timber. Pretty soon there were two bear coming so they both started to try shake him off then they go back for more help. Alfred started to come down when he looked